

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOHN J. TORPEY, JOHN ENRIGHT,  
CHRISTOPHER SHEERAN, PATRICK DOLAN,  
JR., PATRICK NORTON, VINCENT J. CURRAN,  
JR., ROBERT EGAN, JR., WILLIAM WANGERMAN,  
RAYMOND DEAN, JR., JOHN O'CONNELL,  
JAMES ELDER, RAYMOND HOPKINS,  
EDWARD ENGLISH, ROCCO ABBATE, ARTHUR  
KLANSKY, JOHN DIERKS, JEFF PORRELLO,  
RICHARD THOMPSON, TERENCE FARRELL,  
DONALD BURNS, JOHN KRITIS and WILLIAM  
McMORROW, SR., as TRUSTEES OF THE  
STEAMFITTERS LOCAL 638 PENSION FUND,  
SUPPLEMENTAL RETIREMENT FUND,  
SECURITY BENEFIT FUND, VACATION  
FUND AND EDUCATIONAL FUND and  
ENTERPRISE ASSOCIATION OF PIPE FITTERS  
AND APPRENTICES OF GREATER NEW YORK,  
NASSAU AND SUFFOLK COUNTIES AND  
VICINITY LOCAL UNION 688 OF THE  
UNITED ASSOCIATION OF JOURNEYMEN  
AND APPRENTICES OF THE PLUMBING AND  
PIPE FITTING INDUSTRY OF THE UNITED  
STATES AND CANADA, AFL-CIO,

Plaintiffs,

- against -

TM&M MECHANICAL CORPORATION,  
TM&M SPRINKLER CORP., and TRI-STATE  
FIRE PROTECTION CORPORATION,

Defendants.

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Civil Action No. 08 Civ. 4381  
(RMB)(FM)

ANSWER

Defendant, Tri-State Fire Protection Corp. (hereinafter "Tri-State"), by its

attorney, Michael Salgo, as and for its Answer alleges as follows:

1. Denies knowledge and information sufficient to form a basis of belief as to those allegations made in paragraphs “1”, “2”, “3” and “4” of the Complaint.

2. Denies each and every allegation contained in paragraph “5” of the Complaint, except admits that defendant Tri-State is a corporation duly organized and existing pursuant to the laws of the State of New York and has a principal place of business at 225 West 36<sup>th</sup> Street, New York, New York.

3. Denies each and every allegation contained in paragraph “6” of the Complaint.

4. Denies each and every allegation contained in paragraph “7” of the Complaint, except admits that Tri-State is partially owned by Barbara Timothy.

5. Denies each and every allegation contained in paragraphs “8”, “9” and “10” of the Complaint.

**AS AND FOR AN ANSWER TO THE FIRST CAUSE OF ACTION**

6. Denies each and every allegation contained in paragraphs “12”, “13”, “14”, “15”, “16”, “17” and “18” of the Complaint.

**AS AND FOR AN ANSWER TO THE SECOND CAUSE OF ACTION**

7. Denies knowledge and information sufficient to form a basis of belief as to those allegations contained in paragraph “20” of the Complaint.

8. Denies knowledge and information sufficient to form a basis of belief

as to those allegations contained in paragraph “21” of the Complaint, except denies that defendant Tri-State is obligated to the plaintiff in any way alleged in paragraph “21”.

9. Denies each and every allegation contained in paragraphs “22”, “23”, and “24” of the Complaint.

**AS AND FOR AN ANSWER TO THE THIRD CAUSE OF ACTION**

10. Denies each and every allegation contained in paragraphs “26”, “27” and “28” of the Complaint.

**AS AND FOR AN ANSWER TO THE FOURTH CAUSE OF ACTION**

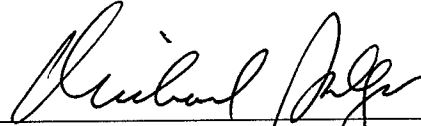
11. Denies each and every allegation contained in paragraph “30” of the Complaint.

**AS AND FOR AN AFFIRMATIVE DEFENSE**

12. Tri-State is not a party to any Collective Bargaining Agreement with plaintiff and, as such, there is no privity of contract, and no jurisdiction of this Court over the issues alleged against Tri-State.

**WHEREFORE**, it is respectfully demanded that the Complaint be dismissed in its entirety against Tri-State Fire Protection Corp., together with costs and disbursements, and for such other and further relief as this Court deems just and proper.

Dated: Jericho, New York  
June 19, 2008

A handwritten signature in black ink, appearing to read "Michael Salgo", is written over a horizontal line.

Michael Salgo, Esq. (MS-5945)  
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